

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION AT MEMPHIS

MICHAEL E. DICKERSON,
Plaintiff,

VS.

No. 2:19-cv-02589-SHL-cgc

ISS FACILITY SERVICES, INC.,
Defendants.

THE VIDEOCONFERENCE **DEPOSITION** VIA ZOOM
OF
RENE BETHANN BARTLETT (REMOTELY)

FEBRUARY 9, 2021

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1 and residence address and telephone number of the
2 present custodian of any such writing.

3 In response to a very, very wordy question on
4 my part, the response says: Defendant displayed a
5 yellow warning sign in the area of the incident at the
6 time of this occurrence. Do you recall giving that
7 answer?

8 A. Yes.

9 Q. What factual basis do you have to support
10 that there was a yellow warning sign in the area of
11 the incident?

12 A. The factual basis that I had was there was a
13 video that was given to us with pictures that shows a
14 wet floor sign in the area where it was said to be
15 that Mr. Dickerson slipped and fell.

16 And outside of that, our employees are
17 trained whenever they are mopping to put down wet
18 floor signs before they start mopping the floor.

19 Q. And in the video, do you recall where this
20 sign was displayed?

21 A. It's been a long time since I watched it, but
22 I do not. The exact location, no.

23 Q. And do you know if Ms. Rudd placed that sign?

24 A. I do not.

25 Q. Now, you mentioned a moment ago, I guess,

1 training on the placement of these signs. Do you know
2 if Ms. Rudd specifically received that training?

3 A. I do not.

4 Q. And you mentioned that the ISS employees are
5 supposed to place out a warning sign prior to
6 beginning mopping; is that right?

7 A. Yes, sir.

8 Q. Are there any ISS procedures or protocols
9 that dictate where those signs have to be placed with
10 respect to the area that's being mopped?

11 A. We do have specific protocols. They are
12 supposed to be -- they should be at the starting point
13 of where you're going to start mopping, alerting
14 everyone to the floor after that is going to be wet;
15 and they should be spaced out every 25 feet, I think
16 it is, and in front of any door if -- say you had a
17 long hallway and there was a hallway that's
18 intersecting with that. You would need to put one in
19 front of that walkway so anyone coming out from that
20 specific walkway would also be able to see it. Every
21 point of entry you would need to have a wet floor sign
22 so that everyone would know that the area is wet.

23 Q. So you mentioned there should be one at every
24 point of entry. I never want to assume anything, but
25 does that mean that if there are multiple points of

1 entry to an area, there should be multiple signs up?

2 A. Correct.

3 Q. Are there any other safety devices that are
4 used other than a yellow warning sign to warn people
5 of mopping in the area?

6 A. It depends on the situation. There are some
7 other safety precautions that we do use. It just
8 depends on the area being serviced and the job
9 actually being done. We have safety cones. We have
10 safety barriers. We have caution tape that sometimes
11 is put up. It just depends on the job being done.

12 But on a normal day-to-day basis whenever an employee
13 is mopping a floor, we use the yellow wet floor signs.

14 Q. Is there ever an occasion when someone is
15 mopping that you would use some form of barricade to
16 physically stop people from crossing into that area?

17 A. Yes. For instance, whenever we shut down and
18 clean restrooms and we do a whole entire floor in a
19 restroom, we normally -- a lot of times we will block
20 those restrooms off to keep people from entering until
21 they are finishing cleaning and/or finished mopping
22 and it dries.

23 Another instance is when we strip and wax
24 floors, a lot of times we barricade the walkway off
25 because it is really slick. So to keep anybody that

1 is not trained on being able to walk on that type of
2 surface, we block it off so no one is going to walk on
3 it.

4 Q. what about if the area being mopped was oily,
5 does that require anything more than just the yellow
6 wet floor sign?

7 A. On a day-to-day basis, no.

8 Q. And why do you say on a day-to-day basis?

9 A. Because we have some areas that we clean that
10 that's the flooring, that that's the environment that
11 we clean, it is a machine manufacturing facility where
12 there is consistently oil or other debris that is on
13 the floor.

14 Q. And in that type of scenario, does ISS policy
15 dictate only using a yellow wet floor sign?

16 A. Yes.

17 Q. who owns those yellow wet floor signs?

18 A. There are some that ISS owns, and there are
19 some that the customer owns.

20 Q. In this case the yellow warning sign that's
21 referenced in the response to interrogatories, do you
22 know who owned that?

23 A. I do not know.

24 Q. Now, it's our understanding that Ms. Rudd was
25 not in the room with Mr. Dickerson when he fell. Do

1 at this time in this area?

2 A. I do not know.

3 MR. GAIA: Object to the form. Go ahead.

4 BY MR. YASINSKY:

5 Q. Do you know if there were any other wet floor
6 signs in this area at the time?

7 A. No.

8 Q. From looking at this video, are you able to
9 tell if there are multiple points of entry to that
10 area where Mr. Dickerson fell?

11 A. Looking at the video, it appears -- I can see
12 an exit sign past Mr. Dickerson on the wall. So I
13 would assume that's an entry door, exit door.

14 Q. And then the area that he walked from, would
15 that be considered another point of entry to where the
16 mopping was occurring?

17 A. That would be my assumption. But without
18 being able to fully see the area, I'm not sure.

19 Q. Fair enough. So should there be -- based on
20 what you can see here, should there be more than one
21 wet floor sign being used at this time pursuant to ISS
22 policies?

23 A. Well, from what I can see in the video, I
24 would -- my opinion would be yes, there should be one
25 over by the exit door. And without being able to see

1 where the area he was coming from, I don't know about
2 that area.

3 Q. You don't know if there was a sign or you
4 don't know if there should have been a sign?

5 A. No, there should have been. I just don't
6 know if there was a sign without being able to see
7 more of the area.

8 Q. Now I'm going to play the portion again from
9 the beginning where Mr. Dickerson falls, and I'm going
10 to ask you a question about the location of the wet
11 floor sign that you were able to identify in this,
12 okay?

13 A. Okay.

14 (Playing video.)

15 BY MR. YASINSKY:

16 Q. Were you able to see Mr. Dickerson pass in
17 front of that sign?

18 A. I was.

19 Q. And when I say "in front of that sign" -- let
20 me ask a better question.

21 Were you able to see Mr. Dickerson pass
22 between the camera and the wet floor sign?

23 A. Yes, I can see him passing in between -- I'm
24 not sure what that is that he laid his papers on. But
25 that railing there and the wet floor sign, I can see